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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,767	09/26/2003	Jeffrey A. Gallino	C1141.70001US00	9703
7590 Douglas R. Wolf Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, MA 02210			EXAMINER AZAD, ABUL K	
			ART UNIT 2626	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE		DELIVERY MODE
3 MONTHS		03/21/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/672,767

Applicant(s)

GALLINO, JEFFREY A.

Examiner

ABUL K. AZAD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-11 and 14-34 is/are rejected.
- 7) ☒ Claim(s) 3,4,12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-34 are pending in this Office Action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5-11, 14-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skiena et al. (US 5,828,991) in view of Bijl et al. (US 6,366,882).

As per claim 1, Skiena teaches, "a method for analyzing verbal communication", the method comprising acts of:

"processing the electronic recording to identify a plurality of word alternatives for each of the spoken words, each of the plurality of word alternatives being identified by comparing a portion of the electronic recording with a lexicon, each of the plurality of word alternatives being assigned a probability of correctly identifying a spoken word" (col. 4, lines 56-67 and col. 7, lines 56-64);

"loading the word alternatives and the probabilities to a database for subsequent analysis" (col. 7, lines 56-64); and

"examining the word alternatives and the probabilities to determine at least one characteristic of the plurality of spoken words" (col. 9, lines 51-63).

Skiena teaches spoken words, but does not teach, "producing an electronic recording of a plurality of spoken words". However, Bijl teaches, "producing an

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electronic recording of a plurality of spoken words" (col. 6, lines 56-60 and col. 7, lines 57-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use recording of words in the invention of Skiena because Bijl teaches at least one automatic speech recognition processor improves recognition accuracy using data of the recorded speeches (Abstract).

As per claim 2, Skiena teaches, "wherein the at least one characteristic includes a frequency with which a first word alternative occurs within the plurality of spoken words" (col. 9, lines 51-63).

As per claim 5, Skiena teaches, "wherein the at least one characteristic includes a presence of a pattern, the pattern comprising a defined sequence of word alternatives" (col. 5, lines 1-17).

As per claim 6, Skiena teaches, "wherein the pattern is defined by a human user" (col. 5, lines 1-17).

As per claim 7, Skiena teaches, "wherein the pattern is defined using a graphical user interface" (col. 11, lines 48-51).

As per claim 8, Skiena teaches, "further comprising an act, performed before the act (B), comprising modifying the lexicon" (col. 4, lines 56-67).

As per claim 9, Skiena teaches, "wherein the act (C) further comprises loading the word alternatives and the probabilities to a database" (col. 7, lines 56-64).

As per claims 10, 11, 14-34, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1, 2, 5-9.

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Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(571) 272-7599**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richemond Dorvil**, can be reached at **(571) 272-7602**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450


Alexandria, VA 22313-1450

Or faxed to: **(571) 273-8300**.

Hand-delivered responses should be brought to **401 Dulany Street, Alexandria, VA-22314** (Customer Service Window).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 18, 2007


Abul K. Azad
Primary Examiner
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